IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 25.08.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Writ Appeal No.978 of 2002
& WAMP No.1900 of 2002

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Educational Department,
Fort St. George,
Chennai-9.

2.The Director of Elementary Education,
College Road, Chennai-9.

3.The District Elementary Educational Officer,
Ramnad.

4.The Assistant Elementary Educational Officer,
Paramakudi. ... Appellants

Vs.

Subramania Vilas Primary School,
Ramnad District. .. Respondent

Writ appeals filed under Clause 15 of the Letters Patent against the order dated 09.11.2001 made in W.P.No.6784/2001 and the Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a certiorarified Mandamus calling for the records relating to the proceedings of the 3rd Respondent in his Na.Ka.No.556/A2/2001 dated 8.3.2001, quash the same and to direct the respondents to release the staff grant to the teacher namely Mrs.C.Tamilarasi immediately and continue to pay every month.

For Appellants : Mr.M.Sekar,
Special Government Pleader

For Respondent : No appearance

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

Aggrieved by the order of the learned single Judge dated 09.11.2001 made in W.P.No.6784 of 2001 directing the respondents therein to release the staff grant to the writ petitioner from February, 2001 onwards, the Education Department and their officers have preferred the above appeal.

2.Though notice was duly served on the respondent, no steps were taken to contest the appeal by engaging the counsel. Heard the learned Special Government Pleader for the appellants.

3. It is brought to our notice that the issue raised in the writ petition is covered by a Division Bench decision of this Court reported in 2002 Writ Law Reporter 173 (SECRETARY AND CORRESPONDENT, USWATHUN HASANA ORIENTAL (ARABIC) GIRLS HIGHER SECONDARY SCHOOL, PALLAPATHI-639 205, kARUR DISTRICT VS. THE STATE OF TAMIL NADU AND FOUR OTHERS). However, the learned single Judge has issued a positive direction to release the staff grant to the writ petitioner from February, 2001 onwards.

4. The learned Special Government Pleader has brought to our notice that in various similar writ petitions, following the Division Bench decision referred to above, orders have been passed permitting the writ petitioners/aggrieved persons/schools to make a representation to the concerned Educational Officer and this Court directed the said authority to consider and dispose of the said representation in accordance with law expeditiously.

5. We have verified the decision of the Division Bench mentioned above and the relief prayed for in the writ petition. In view of the conclusion arrived at by the Division Bench, as rightly pointed out by the learned Special Government Pleader, no positive direction could be granted for release of staff grant to the writ petitioner-School. However, as observed in paragraph 27 of the said decision, the respondent-school is free to make a representation to the District Elementary Educational Officer, Ramnad and if any such representation is made, the said Officer is directed to consider and dispose of the same in accordance with law expeditiously.

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6. The writ appeal is allowed to this extent. No costs. WAMP No.1900 of 2002 is closed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
Education Department,
Fort St. George,
Chennai-9.

2.The Director of Elementary Education,
College Road, Chennai-9.

3.The District Elementary Educational Officer,
Ramnad.

4.The Assistant Elementary Educational Officer,
Paramakudi.

1 cc to Government Pleader, SR.38659

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